

EXHIBIT J

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Superior Court Department
Nos. 82-4115 - 4116

COMMONWEALTH

v

KENNETH WATERS

Before: KEADY, J.
May 12, 1983

S E N T E N C I N G

APPEARANCES:

ELIZABETH FAHEY, Assistant District Attorney,
for the Commonwealth

BERNARD BRADLEY, Esq., for the Defendant

JANE E. BROWNING
Official Court Reporter

May 12, 1983
10:15 a.m.

THE CLERK: 82-4115 and 16, Kenneth Waters. Yesterday, your Honor, the jury returned a verdict of first degree murder on 82-4115 and guilty of the armed robbery on 4116.

He was committed to the custody of the sheriff and continued until this morning for disposition.

MS. FAHEY: The Commonwealth moves for sentencing.

THE COURT: Of course, the Court recognizes the mandatory aspects of the conviction of first degree murder.

You wish to be heard on the other?

MS. FAHEY: On the other, your Honor, I would ask that Mr. Waters receive some concurrent sentence. I'll leave that to the discretion of the Court.

The only reason I ask for the concurrent sentence is to prevent any future possible --

THE COURT: Yes. Anything you want to say, Mr. Bradley?

MR. BRADLEY: I would suggest placing the armed robbery on file, in view of the mandatory life sentence. Filing cannot help him

1 in the appellate process.

2 MS. FAHEY: If for some reason there is
3 a new trial ordered, if it's placed on file, it
4 would prevent -- my reading of the case law --
5 prevent the Commonwealth from moving to try that
6 case.

7 That's the only reason I'd ask for the
8 concurrent sentence.

9 MR. BRADLEY: Placed on file, it can be
10 removed from the file at any time, Judge.

11 THE CLERK: 82-4115, Kenneth Waters, you'll
12 harken to the sentence the Court has awarded against
13 you. The Court having duly considered your offense
14 orders that you be punished by confinement to
15 the Massachusetts Correctional Institution, Walpole,
16 for a term of life.

17 You stand committed to our common jail pursuant
18 to your removal to the said institution.

19 Any good time pending or awaiting disposition
20 on this indictment will be so noted on your mittimus
21 that will accompany you to said institution.

22 82-4116, Kenneth Waters, you will harken to
23 the sentence the Court has awarded against you.
24 The Court having duly considered your offense orders
25 you be punished by confinement to the Massachusetts

1 Correctional Institution, Walpole, for a term not
2 exceeding ten years or less than eight years; and
3 this sentence is to run concurrently with the
4 sentence imposed on 82-4115.

5 You have the right to appeal in writing to
6 the Appellate Division -- excuse me.

7 You have the right to appeal in writing within
8 ten days to the Appellate Division of this court from
9 the sentences imposed this day.

10 And you also have the right to appeal in
11 writing to the Appeals Court, the Commonwealth of
12 Massachusetts, within thirty days from the guilty
13 verdicts in each of these indictments.

14 The defendant is remanded.

15 MS. FAHEY: There's one thing I'd like to
16 put on the record, your Honor.

17 In regard to the matter we discussed in the
18 lobby, whether or not any promises were made to
19 Roseanna Perry.

20 I indicated earlier that I talked to Roseanna
21 Perry, and she's aware of no promises.

22 With regard to Nancy Taylor, I also have
23 spoken with her. I would relate to the Court that
24 as far Miss Taylor knows, or I've been able to
25 find out, there have been no promises made to

Roseanna Perry with the exception --

DEFENDANT WATERS: That's a lie, your Honor.

MS. FAHEY: -- with the exception, your Honor, that the Providence Police Department would be notified and has been notified that Roseanna Perry did testify for the Commonwealth in a first degree murder case.

THE COURT: Fine. Thank you.

DEFENDANT WATERS: Got well paid, too.

MR. BRADLEY: Your Honor, there's one matter. I'll have a motion for further investigative monies. Five hundred dollars was originally allowed. I'll need about two fifty more.

Would that motion remain with you?

THE COURT: Yes.

(Adjournment - 10:20 a.m.)

CERTIFIED:

Jane E. Browning
Jane E. Browning
Official Court Reporter